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PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

**Telecommunications Division
Carrier Branch**

**RESOLUTION T-16848
August 19, 2004**

R E S O L U T I O N

Resolution T-16848. SBC California (U-1001-C) Requests Authority To Grandfather Its Intra-Building Network Cable Service Agreements, In Tariff Schedule Cal. P.U.C. No. A8, Connections Of Premises Equipment to Exchange Services, 8.4 Intrabuilding Network Cable.

By Advice Letter No. 25024 - Filed May 24, 2004.

Summary

This Resolution approves SBC California's (SBC) request to grandfather its Intra-Building Network Cable (INC) Service Agreements. These services are in SBC's tariff Schedule Cal. P.U.C. No. A8, Connections Of Premises Equipment to Exchange Services, 8.4 Intrabuilding Network Cable.

Background

By Advice Letter (AL) No. 25024, filed May 24, 2004, SBC requests authority to grandfather its INC Service Agreements. This service is in SBC's tariff schedule Cal. P.U.C. No. A8, Connections Of Premises Equipment to Exchange Services, 8.4 Intrabuilding Network Cable. Through a data response SBC states there are 536 customers who currently have Intra-Building Network Cable Service agreements with SBC. SBC states that Customer Notification Letters were mailed to these customers on May 24, 2004 and on June 24, 2004, informing these customers that this service will be grandfathered and will not be available after the termination date of the customers' service agreements.

Intra-Building Network Cable Service Agreements - Connections Of Premises Equipment to Exchange Services refers to a network's cable within a building that connects to SBC exchange services (local loop). The service agreements cover minor repairs to reestablish service up to full replacement of all Intra-building Network Cable and associated terminals as well as tenants' connections to the cable. These service agreements allow the customer to call SBC anytime for

DRAFT

maintenance on Intra-building Network Cable at a yearly cost instead of on a per visit charge. The time and materials used for the repairs are completely covered by a single annual fee.

In this advice letter, SBC originally requested authority to grandfather this services effective on July 1, 2004. SBC now requests that the effective date of its grandfathering request be established by this Commission Resolution.

Notice/Protests

SBC states that copies of the Advice Letter were mailed to competing and adjacent utilities and/or other utilities, and interested parties. Notice of AL No. 25024 was published in the Commission Daily Calendar of June 1, 2004. No protests to this Advice Letter have been received.

Discussion

Additional relevant Commission Rules are embedded in SBC's General Exchange Tariff; Section 3; Rules & Regulations; Definitions, which states:

"Frozen/ Grandfathered Service/ Service Limited to Existing Customers –
The term "frozen/grandfathered service" applies to an obsolete and/or outdated service the Utility no longer wishes to provide. The freezing/grandfathering of a service is the Utilities method of managing a tariff for this service prior to ultimately discontinuing the service, or change existing tariff regulations without discontinuing certain rights privileges or conditions of the service to existing customers."

"Existing Customers – Customers or subscribers to a service at a specific point of time. Often used in reference to those customers of record at the time that a service is classified as frozen, grandfathered or limited to existing customers."

In its advice letter filing and in subsequent responses, to data requests sent by the Telecommunications Division (TD), SBC states the following:

- SBC is in the process of transitioning to a new billing system that will be unable to support annual mailings and tracking of this (INC) service. The old billing system is being discontinued, as it is outdated and no longer efficient.
- The bills (for existing customers) will be created manually until the current service agreements expire. SBC's (new billing) system will

DRAFT

allow billing for SBC's Per Visit INC Cable Maintenance and Repair Service.

- SBC will continue to offer this (INC) service until all agreements expire, then as a per visit charge as tariffed.
- The last INC Service Agreement will expire on March 31, 2007. SBC would like to withdraw this service as of March 31, 2007.
- Retail business customers with this (INC) service will receive notification (that it will be grandfathered).
- There are no resellers or CLECs with this service.
- There are 536 customers that currently have INC Service Agreements with SBC.
- In its advice letter SBC asked that his service be grandfathered effective on July 1, 2004.
- SBC sent a notice to customers on May 24, 2004 indicating that this service would be grandfathered on July 1, 2004 and SBC sent a second notice out on June 24, 2004 with "Pending CPUC approval" in place of the July 1st effective date.

TD recommends that SBC be authorized to grandfather its INC service agreement effective the date of this Resolution.

TD suggests SBC be ordered to file another advice letter to withdraw this service no earlier than six months prior to the March 31, 2007 expiration date of its last INC service Agreement. SBC should make mention of this Resolution (T-16848) in that advice letter filing.

TD also advises that SBC be ordered to mail another customer notice, to each INC service agreement customer 60-days prior to the expiration date of each remaining agreement, informing them that this INC Service Packet Switching Network Services will be discontinued as of the termination date of their agreement. This notice will ensure that all existing customers are reminded that they will be required to find an alternative service.

DRAFT

Commission approval of TD's recommendations are based on the specifics of this Advice Letter and its associated tariff sheets, and does not establish a precedent for the contents of future filings or for Commission approval of similar requests.

This is an uncontested matter in which the resolution grants the relief requested. Accordingly, pursuant to PU Code Section 311 (g)(2), the 30-day period for public review and comment is being waived.

Findings

1. SBC requests authority to grandfather its Intra-Building Network Cable (INC) Service Agreements as tariffed offerings.
2. SBC requests to grandfather its INC service agreements, effective July 1, 2004.
3. SBC states there are 536 customers with whom it currently has INC Service Agreements.
4. SBC states that Customer Notification Letters was mailed to each of these 536 customers on May 24th and June 24th, 2004.
5. Through a data request and its advice letter filing, SBC states it is in the process of transitioning to a new billing system that will be unable to support annual mailings and tracking of this (INC) service. SBC states this old billing system is being discontinued, as it is outdated and no longer efficient.
6. The bills for existing INC customers will be created manually until the last current service agreement expires on March 31, 2007. SBC's new billing system will allow billing for SBC's Per Visit INC Cable Maintenance and Repair Service.
7. TD suggests SBC be ordered to file another advice letter to withdraw this service no earlier than six months prior to the March 31, 2007 expiration date of its last INC service agreement. SBC should make mention of this Resolution (T-16848) in its advice letter filing.
8. TD also advises that SBC be ordered to mail another customer notice, to each INC service agreement customer 60-days prior to the expiration date of each remaining agreement, informing them that this INC Service Packet Switching Network Services will be discontinued as of the termination date of their agreement. This

DRAFT

notice will ensure that all existing customers are reminded that they will be required to find an alternative service.

9. The Commission approves all of TD's foregoing recommendations.

THEREFORE, IT IS ORDERED that:

1. SBC is authorized to make tariff revisions to grandfather its Intra-Building Network Cable (INC) Service Agreements Packet Switching Network Services, as tariffed offerings contained in SBC California's Advice Letter No. 25024 effective on the effective date of this resolution.

2. SBC's request to grandfather its Intra-Building Network Cable (INC) Service Agreements, effective on the effective date of this resolution, is approved.

3. SBC shall file another advice letter to withdraw its Intra-Building Network Cable (INC) Service Agreements, no earlier than six months prior to the March 31, 2007 expiration date of its last INC service agreement. SBC shall make reference to this Resolution (Number T-16848) in its advice letter filing.

5. SBC shall mail another customer notice, to each INC service agreement customer 60-days prior to the expiration date of each remaining agreement, informing them that this INC Service Packet Switching Network Services will be discontinued as of the termination date of their agreement. This notice will ensure that all existing customers are reminded that they will be required to find an alternative service.

DRAFT

This Resolution is effective today.

I hereby certify that the Public Utilities Commission adopted this Resolution at its regular meeting on August 19, 2004. The following Commissioners approved it.

STEVE LARSON
Executive Director